

CLERK'S COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED

AT ALBUQUERQUE NM

MAR 16 2000

UNITED STATES OF AMERICA,

Plaintiff,

v.

KERRY ATKINSON,

Defendant.

ROBERT M. MARCH  
CLERK

No. CIV-00-0293 JC/KBM  
CR-97-638 JC

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's motion for reduction of sentence filed February 28, 2000, under 18 U.S.C. § 3742. The motion asks that the Court correct the calculation of Defendant's criminal history and reduce his term of imprisonment under United States Sentencing Guidelines §§ 2D1.1(b)(4), (b)(4), and 5C1.2(5).

The motion must be denied. This Court "does not have inherent authority to modify a previously imposed sentence; it may do so only pursuant to statutory authorization." *United States v. Mendoza*, 118 F.3d 707, 709 (10th Cir. 1997) (citing *United States v. Blackwell*, 81 F.3d 945, 947-48, 949 (10th Cir. 1996)). No such authority is provided by § 3742 in this instance, *Blackwell*, 81 F.3d at 947-49 (§ 3742 applies to matters on remand), and none of the Guidelines identified by Defendant has been amended retroactively. *See* 18 U.S.C. § 3582(c)(2). The Court has no authority to grant the relief sought, and the motion will be denied.

IT IS THEREFORE ORDERED that Defendant's motion for reduction of sentence filed February 28, 2000, is DENIED, and this civil proceeding is DISMISSED.

  
UNITED STATES DISTRICT JUDGE

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